

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JAMES DENNIS PERKINS,

Plaintiff,

V.

CITY OF GARLAND POLICE  
DEPARTMENT, ET AL.,

Defendants.

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CIVIL ACTION NO.:  
No. 3:13-CV-2022-B


ORDER

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge. Plaintiff's claims against former Director Thaler, Chief Bates, Detective Younger, the "John Doe" police detective, the unnamed internal affairs officers, and Stuart Parker, and all claims challenging his arrest and imprisonment are summarily DISMISSED pursuant to 28 U.S.C. § 1915(e)(2). The claims related to Plaintiff's incarceration at TDCJ's Jester III Unit are severed and TRANSFERRED to the Houston Division of the Southern District of Texas pursuant to 28 U.S.C. § 1391(b).

The Court CERTIFIES that any appeal of this action would not be taken in good faith. See 28 U.S.C. § 1915(a)(3). In support of this finding, the Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation. See *Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the Findings, Conclusions, and Recommendation, the Court finds that any appeal of this action would present no legal point of arguable merit and

would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

SO ORDERED this 2<sup>nd</sup> day of October, 2013.



JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE